Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - EAQ, WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Espinoza Stone Pit 1, 1465 County Road 234, Georgetown, Williamson County

Type of Operation:

Stone mining and processing operation

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this

matter but does not wish to speak at Agenda. **Texas Register Publication Date:** June 27, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,600

Amount Deferred for Expedited Settlement: \$4,519 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$1,013 **Total Due to General Revenue:** \$17,068

Payment Plan: 17 payments of \$1,004 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): October 23, 2013

Complaint Information: Alleged there were dust, rocks, and mud on the roadway

causing driving and health hazards.

Date(s) of Investigation: November 12, 2013

Date(s) of NOE(s): January 13, 2014

Violation Information

- 1. Failed to submit proof of recordation of notice in the county deed records within 60 days after approval of Water Pollution Abatement Plan ("WPAP") No. 11-06020201 [30 TEX. ADMIN. CODE § 213.4(g) and WPAP No. 11-06020201, Standard Conditions No. 2].
- 2. Failed to obtain approval of a modification to an approved WPAP prior to beginning a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, a concrete entrance road was under construction [30 Tex. Admin. Code § 213.4(a)(1) and WPAP No. 11-06020201, Standard Conditions No. 4].
- 3. Failed to submit a completion report that the construction of the high service rock berms, the rip rap pad below the retention pond, the paved berms and paved roadway have been completed within 60 days after approval of WPAP No. 11-06020201 [30 Tex. ADMIN. CODE § 213.4(k) and WPAP No. 11-06020201, Special Conditions No. I].
- 4. Failed to submit the initial survey report of pit depths within 60 days after approval of WPAP No. 11-06020201 and to submit annual survey reports thereafter [30 Tex. Admin. Code § 213.4(k) and WPAP No. 11-06020201, Special Conditions No. II].
- 5. Failed to submit proof of recordation of notice in the county deed records of the approval of the Aboveground Storage Tank Facility Plan within 60 days after approval of WPAP No. 11-06020201A [30 Tex. Admin. Code § 213.4(g) and WPAP No. 11-06020201A, Standard Conditions No. 3].
- 6. Failed to install and maintain a structural control and to prevent the unauthorized discharge of industrial waste (process water) into or adjacent to any water in the state. Specifically, failure to install a berm on the south side of the sediment pond adjacent to the fines stockpiles area resulted in the unauthorized discharge of process water into Smalley Branch as documented on the Facility's periodic inspection reports dated September 29, 2011, December 27, 2011, February 29, 2012, May 2, 2012, and August 8, 2012 [30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05BA51, Part III, Section A.4.(d), Structural Controls].

- 7. Failed to minimize generation of off-site tracking of raw materials, intermediate products, final products, or waste materials. Specifically, sediment accumulation was observed along the drainage ditch and in the culverts that run parallel to the Facility on the west side of County Road 234 [30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05BA51, Part III, Section A.4.(a)(9), Best Management Practices].
- 8. Failed to submit written notice to the TCEQ Executive Director of the inactive status of the permitted Facility. Specifically, during the investigation, it was documented that the Facility is inactive for mineral mining and processing [30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05BA51, Part III, Section D.4.(b), Inactive Facilities].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately install a berm on the south side of the sediment pond adjacent to the fines stockpiles area.
- b. Within 15 days:
- i. Submit proof of deed recordation to the TCEQ Austin Regional Office for the Facility;
- ii. Submit the required completion report to the TCEQ Austin Regional Office;
- iii. Begin submitting annual survey reports of pit depths to the Austin Regional Office;
- iv. Implement measures to minimize generation of off-site tracking of raw materials, intermediate products, final products, or waste materials;
- v. Submit the required written notice to the TCEQ Executive Director of the inactive status for mineral mining and processing at the permitted Facility; and
- vi. Submit written certification to demonstrate compliance with a.
- c. Within 30 days, submit written certification to demonstrate compliance with b.i. through b.v.

1

- d. Within 45 days, submit an administratively complete application for a modification of a WPAP, along with the associated application fee. Respond completely and adequately to all TCEQ requests for information concerning the Edwards Aquifer Recharge Zone application within 30 days of such requests, or by any other deadline specified in writing.
- e. Within 60 days, submit written certification to demonstrate compliance with d.
- f. Within 120 days, obtain approval of a modification to the Facility's approved WPAP.
- g. Within 135 days, submit written certification to demonstrate compliance with f.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Cheryl Thompson, Enforcement Division,

Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEO SEP Coordinator: N/A

Respondent: Jose J. Espinoza, President, ESPINOZA STONE, INC., P.O. Box 274,

Jarrell, Texas 76537

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 13-Jan-2014 Screening 15-Jan-2014 PCW 27-Jan-2014 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent ESPINOZA STONE, INC. Reg. Ent. Ref. No. RN101056687 Facility/Site Region 11-Austin Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 48125 Docket No. 2014-0075-MLM-E Media Program(s) No. of Violations 4 Order Type 1660 Government/Non-Profit No Enf. Coordinator Jorge Ibarra, P.E. Multi-Media Water Quality EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section

TOTAL BASE PENA	ALTY (Sum of violation base penalties) Subtotal 1	\$9,000
ADJUSTMENTS (+	/-) TO SUBTOTAL 1	
Subtotals 2-7 are o Compliance Hi	btained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	-\$900
Notes	Reduction for high performer classification.	
Culpability	No 0.0% Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Eff	ort to Comply Total Adjustments Subtotal 5	\$0
Economic Ben	efit 0.0% Enhancement Subtotal 6 Total EB Amounts \$898 *Capped at the Total EB \$ Amount Cost of Compliance \$900	\$0
SUM OF SUBTOTA	LS 1-7 Final Subtotal	\$8,100
	AS JUSTICE MAY REQUIRE 9.6% Adjustment Subtotal by the indicated percentage.	\$778
Notes	Recommended enhancement to capture the avoided cost associated with Violation No. 3.	
	Final Penalty Amount	\$8,878
STATUTORY LIMI	T ADJUSTMENT Final Assessed Penalty	\$8,878
DEFERRAL Reduces the Final Assessed Po	20.0% Reduction Adjustment enalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)	-\$1,775
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALT	Υ	\$7,103

Screening Date 15-Jan-2014

Docket No. 2014-0075-MLM-E

Respondent ESPINOZA STONE, INC.

Case ID No. 48125

Reg. Ent. Reference No. RN101056687 Media [Statute] Edwards Aquifer Enf. Coordinator Jorge Ibarra, P.E. Policy Revision 2 (September 2002) PCW Revision October 30, 2008

	ry Site Enhancement (Subtotal 2)	Enter Number Here	Adius+
Component	Number of Written notices of violation ("NOVs") with same or similar violations as those in	Enter wurder Here	Aujust.
NOVs	the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	O	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ö	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Oute.	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
eat Violator (Subtotal 3)		
No	Adjustment Per	centage (Sub	total 3)
npliance Histo	ory Person Classification (Subtotal 7)		
High Perf	ormer Adjustment Per	centage (Sub	total 7)
npliance Histo	ory Summary		
Compliance History Notes	Reduction for high performer classification.		
	L		

Screening Date	15-Jan-2014	Docket No. 2014-0075-MLM-E	PCW
	ESPINOZA STONE, INC.	•	sion 2 (September 2002)
Case ID No.		PCW R	evision October 30, 2008
Reg. Ent. Reference No. Media [Statute]			
Enf. Coordinator			
Violation Number			
	30 Tex. Admin. Code § 213	3.4(g) and Water Pollution Abatement Plan ("WPAP") No.	
	11-06	020201, Standard Conditions No. 2	
Violation Description	Failed to submit proof of re days afte	ecordation of notice in the county deed records within 60 er approval of WPAP No. 11-06020201.	
		Base Penalty	\$10,000
>> Environmental, Proper	ty and Human Healtl	n Matrix	
Release	Harm	Minor	
OR Actual			
Potential		Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate	Minor	
	x x x x x x x x x x x x x x x x x x x	Percent 10%	
			7
Matrix Notes	100% of the ri	ule requirement was not met.	
<u> </u>			<u>4</u>
		Adjustment \$9,000	
THE PROPERTY OF THE PROPERTY O			\$1,000
Violation Events			
Violation Events			
Number of	Violation Events 1	2721 Number of violation days	
mark only one with an x	daily weekly monthly quarterly semiannual	Violation Base Penalty	\$1,000
	annual single eventx		1
	One single	e event is recommended.	
Good Faith Efforts to Com		Reduction	\$0
	Before NOV Extraordinary	NOV to EDPRP/Settlement Offer	Observations
THE STATE OF THE S	Ordinary		
THE PROPERTY OF THE PROPERTY O	N/A x	(mark with x)	
THE PROPERTY OF THE PROPERTY O	The Respon	ndent does not meet the good faith criteria for	
THEFT	Notes	this violation,	
	Literature control and the second an	Violation Subtotal	\$1,000
			\$1,000
Economic Benefit (EB) for		Statutory Limit Test	
Estimat	ed EB Amount	\$40 Violation Final Penalty Total	\$986
	This vi	olation Final Assessed Penalty (adjusted for limits)	\$986

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	48125		***************************************				নামার কর্ম কর্ম কর্ম কর্ম কর্ম কর্ম কর্ম কর্
	Edwards Aquif					Percent Interest	Years of Depreciation
Violation No.	1					5.0	15
	Thoma Cort	Date Required	Final Date	V	Interact Cayed	Onetime Costs	EB Amount
		Date Required	rillai Date	113	Interest Saveu	Onetime Costs	LD AINOUIL
Item Description	No commas or \$						
Delayed Costs							
Delayeu Costs Equipment		ı — — — — ı		0.00	\$0	\$0	\$0
Buildings		 		0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		 	······································	0.00	\$0	n/a	\$0
Record Keeping System		1		0.00	\$0	n/a	\$0
Training/Sampling		1		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	4-Aug-2006	15-Aug-2014		\$40	n/a	\$40
Notes for DELAYED costs Avoided Costs			C	mplian	ce date.	e and the final date for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]	11			11 0 00	\$0	\$0	
r mancial Assurance [2]				0.00			\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	
							\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3] Other (as needed)				0.00	\$0	\$0	\$0 \$0

Screening Da	
	t ESPINOZA STONE, INC. Policy Revision 2 (September 2002)
Case ID N	
Reg. Ent. Reference N	Edwards Aquifer
	r Jorge Ibarra, P.E.
Violation Numb	
Rule Cite(s) 207 All Cardina Car
	30 Tex. Admin. Code § 213.4(k) and WPAP No. 11-06020201, Special Conditions No. I
THE STATE OF THE S	
п	Failed to submit a completion report that the construction of the high service rock
Violation Descripti	berms, the rip rap pad below the retention pond, the paved berms and paved
•	roadway have been completed within 60 days after approval of WPAP No. 11- 06020201.
	Base Penalty \$10,000
>> Environmental, Prop	erty and Human Health Matrix Harm
Relea	
OR Act	
Poten	al Percent 0%
>>Programmatic Matrix	
Falsification	n Major Moderate Minor
	X Percent 10%
Matrix	
Notes	100% of the rule requirement was not met.
	#### #0.000
	Adjustment \$9,000
	\$1,000
Violation Events	
Number	of Violation Events 1 2721 Number of violation days
	daily
	weekly Street Highlight
mark ank a	monthly Edding 1998
mark only o with an x	quarterly 1. Similar \$1,000
	semiannual annual annual
	annual single event x
1	One single event is recommended.
<u> </u>	
Good Faith Efforts to Co	
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary
	Ordinary Ordinary
	N/A x (mark with x)
	The Respondent does not meet the good faith criteria for
	Notes this violation.
	Violation Subtotal \$1,000
Economic Benefit (EB) I	or this violation Statutory Limit Test
Estin	ated EB Amount \$40 Violation Final Penalty Total \$986
	This violation Final Assessed Penalty (adjusted for limits) \$986

ea. Ent. Reference No.							
~ f							2
	Edwards Aquif	er				Percent Interest	Years of Depreciation
Violation No.	2					= 0	:336383
	<u>.</u>					5.0	15
		Date Required	Final Date	TIS	interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		l .		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	4-Aug-2006	15-Aug-2014	8.04	\$40	n/a	\$40
						fice. Date required in prected compliance	
Notes for DELAYED costs	•	ired completion r					
Avoided Costs	•			nterir	ng item (except	for one-time avoid	
Avoided Costs Disposal	•			enterir 0.00	ng item (except \$0	for one-time avoid	led costs) \$0
Avoided Costs Disposal Personnel	•			nterir	ng item (except	for one-time avoid	led costs)
Avoided Costs Disposal Personnel spection/Reporting/Sampling	•			0.00 0.00	ng item (except \$0 \$0	for one-time avoid	led costs) \$0 \$0
Avoided Costs Disposal	•			0.00 0.00 0.00	ng item (except \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	s0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	•			0.00 0.00 0.00 0.00	ng item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	•			0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

		15-Jan-2014	Docket No. 2014-0075-MLM-E	PCW
	spondent se ID No.	ESPINOZA STONE, INC. 48125		Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Refer	ence No.	RN101056687		
		Edwards Aquifer Jorge Ibarra, P.E.		
	on Number			
R	tule Cite(s)	30 Tex. Admin. Code § 2	13.4(k) and WPAP No. 11-06020201, Special Co	onditions
Violation I	Description		survey report of pit depths within 60 days after 0201 and to submit annual survey reports there	
			Bas	e Penalty \$10,000
>> Environment	al, Propei	ty and Human Healt	h Matrix	
	Release	Harm Major Moderate	e Minor	
OR	Actual			ALL THE STATE OF T
	Potentia		Percent 0%	· · · · · · · · · · · · · · · · · · ·
>>Programmati		Madagas	Miner	
F	Falsification	Major Moderate	Percent 10%	ALL CONTRACTOR OF THE CONTRACT
Matrix		100% of the	rule requirement was not met.	
Notes				
			Adjustment	\$9,000
				\$1,000
				7-7-3-3
Violation Events				
	Number of	Violation Events 6	1826 Number of violation	days
		dally		
destination of the state of the		weekly		A CALLES AND A CAL
Approximation	mark only one with an x	quarterly	Violation Bas	e Penalty \$6,000
	With an A	semiannual annual		111111111111111111111111111111111111111
		single event x		
F			energia de la companya	
	Six single e	vents are recommended (O	ne for each report not submitted for years 2006 2011).	through
in the state of th				
Good Faith Effor	ts to Com	iply 0.0 Before NO	Reduction NOV to EDPRP/Settlement Offer	\$0
		Extraordinary Extraordinary	W NOV to EDFRF/Settlement Offer	
		Ordinary		
		N/A x	∥(mark with x)	
		Notes The Respo	ondent does not meet the good faith criteria for this violation.	
		<u> </u>		
			Violation	Subtotal \$6,000
Economic Benef	it (EB) fo	r this violation	Statutory Limit	Test
	Estima	ted EB Amount	\$778 Violation Final Pena	alty Total \$5,919
		This	violation Final Assessed Penalty (adjusted f	or limits) \$5,919
		. 1113	in the state of th	12,000

INOZA STO 25 01056687 vards Aquif em Cost commas or \$		Final Date			Percent Interest	Years of Depreciation
25 .01056687 rards Aquif	er	Final Date				Depreciation
01056687 vards Aquif		Final Date				Depreciation
ards Aquif em Cost		Final Date				Depreciation
em Cost		Final Date				Depreciation
	Date Required	Final Date			5.0	
	Date Required	Final Date			5.0	75
			Yrs	Interest Saved	Onetime Costs	EB Amount
		***************************************	0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	ft/a	\$0
			0.00	\$0	rt/a	\$0
		::::::::::::::::::::::::::::::::::::	0.00	\$0	n/a	. \$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
					14.5	3Y
ANNUAL	IZE [1] avolded	costs before		ng item (except)	or one-time avoid	led costs)
ANNUAL	IZE [1] avoided	costs before	0.00	ng item (except) \$0	for one-time avoid \$0	ded costs)
ANNUAL	IZE [1] avoided	costs before	0.00	ng item (except) \$0 \$0	for one-time avoid \$0 \$0	led costs) \$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	ng item (except) \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	ng item (except) \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
			0.00 0.00 0.00 0.00 0.00	ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
ANNUAL \$600	IZE [1] avoided	costs before 4-Aug-2011	0.00 0.00 0.00 0.00	ng item (except) \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
				0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0	0.00 \$0 \$0 \$0

	ening Date		Docket No. 2014-0075-MLM-E		PCW
	espondent ase ID No.	ESPINOZA STONE, INC.			on 2 (September 2002) vision October 30, 2008
Reg. Ent. Ref				rew ne	VISION OCCUBER 30, 2000
		Edwards Aquifer			
		Jorge Ibarra, P.E.			
Viola	ition Number Rule Cite(s)				
	Rule Cite(s)	30 Tex. Admin. Code § 21	3.4(g) and WPAP No. 11-06020201A, Standard No. 3	Conditions	
		Failed to submit proof o	f recordation of notice in the county deed record	s of the	
Violatio	n Description		Storage Tank ("AST") Facility Plan within 60 da proval of WPAP No. 11-06020201A.	ys after	
				:-	
-					
			Bas	e Penalty	\$10,000
>> Environmer	ntal. Proper	ty and Human Healt	h Matrix		
		Harm			
OR	Release Actual		e Minor		
	Potential		Percent 0%		
>>Programma	Falsification	Major Moderat	e Minor		
			Percent 10%		
Matrix		100% of the	rule requirement was not met.		
Notes					
1				±0.000	
			Adjustment	\$9,000	
				[\$1,000
Violation Event	S .				

***************************************	Number of	Violation Events 1	2721 Number of violation	days	
		dally			אאנינייני
***************************************		weekly			
***************************************	mark only one	monthly quarterly	Violation Base	e Penalty	\$1,000
	with an x	semiannual		- L	
		annual			
		single event x			
		One sing	lle event is recommended.		
,	L				
Good Faith Effo	orts to Com		% Reduction	L	\$0
		Extraordinary Before NO	V NOV to EDPRP/Settlement Offer		
		Ordinary			
THE CONTRACTOR OF THE CONTRACT		N/A x	(mark with x)		
***************************************		Notes The Respo	ondent does not meet the good faith criteria for		
		Notes	this violation.		· · · · · · · · · · · · · · · · · · ·
		L	•••	oute of	14 000
			Violation	-	\$1,000
Economic Bene	fit (EB) for	this violation	Statutory Limit	Test	
***************************************	Estimat	ed EB Amount	\$40 Violation Final Pena	Ity Total	\$986
		***************************************		_	
		This	violation Final Assessed Penalty (adjusted fo	or limits)	\$986

		conomic		hdabid			
Respondent	ESPINOZA ST	ONE, INC.					
Case ID No.	48125						
eg. Ent. Reference No.	RN101056687						
	Edwards Aquif						Years of
Violation No.		C.				Percent Interest	Depreciation
Violation No.	4					F.0	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		To the second second		0.00	\$0	1 \$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		The state of the s		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
, -				0.00	\$0	n/a	\$0
iraining/Sampling							
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs Other (as needed)				0.00 8.04 ordation	\$0 \$40 n of WPAP No. 11-	n/a n/a -06020201A to the T	\$0 \$40 CEQ Austin
Remediation/Disposal Permit Costs	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation required ed com	\$0 \$40 n of WPAP No. 11- ed deed recordation pliance date.	n/a n/a	\$0 \$40 CEQ Austin inal date is the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation require ed com enterin 0.00	\$0 \$40 n of WPAP No. 11- ed deed recordation poliance date. ng item (except \$0	n/e n/a -06020201A to the T in was due and the f for one-time avoid	\$0 \$40 "CEQ Austin final date is the ded costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation require ed com entern 0.00 0.00	\$0 \$40 n of WPAP No. 11- ed deed recordation pliance date. ng item (except \$0 \$0	n/a n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0	\$0 \$40 CEQ Austin final date is the ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	o.00 8.04 ordation required come o.00 0.00 0.00	\$0 \$40 n of WPAP No. 11- ed deed recordation apliance date. ng item (except \$0 \$0 \$0	n/a n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0 \$0 \$0	\$0 \$40 **CEQ Austin final date is the ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation require ed com enterin 0.00 0.00 0.00	\$0 \$40 n of WPAP No. 11- ed deed recordation apliance date. ng item (except \$0 \$0 \$0 \$0	n/a n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$40 *CEQ Austin Final date is the ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation required commenterial 0.00 0.00 0.00 0.00 0.00	\$0 \$40 n of WPAP No. 11- ed deed recordation appliance date. so \$0 \$0 \$0 \$0	n/a n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$40 *CEQ Austin Final date is the ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation required commenterial 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$40 n of WPAP No. 11-ed deed recordation inpliance date. ng item (except \$0 \$0 \$0 \$0 \$0	n/s n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$40 **CEQ Austin Final date is the **SO **SO **SO **SO **SO **SO **SO **S
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation required commenterial 0.00 0.00 0.00 0.00 0.00	\$0 \$40 n of WPAP No. 11- ed deed recordation appliance date. so \$0 \$0 \$0 \$0	n/a n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$40 **CEQ Austin Final date is the **SO **SO **SO **SO **SO **SO **SO **S
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation required commenterial 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$40 n of WPAP No. 11-ed deed recordation inpliance date. ng item (except \$0 \$0 \$0 \$0 \$0	n/s n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$40 **CEQ Austin Final date is the **SO **SO **SO **SO **SO **SO **SO **S
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated Regional Offic	cost to submit pr ce. Date required	oof of deed reco is the date the expect	0.00 8.04 ordation required commenterial 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$40 n of WPAP No. 11-ed deed recordation inpliance date. ng item (except \$0 \$0 \$0 \$0 \$0	n/s n/a 06020201A to the T on was due and the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$40 **CEQ Austin Final date is the **SO **SO **SO **SO **SO **SO **SO **S

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 13-Jan-2014 Screening 15-Jan-2014 **EPA Due** PCW 24-Jan-2014 RESPONDENT/FACILITY INFORMATION Respondent ESPINOZA STONE, INC Reg. Ent. Ref. No. RN101056687 Major/Minor Source Minor Facility/Site Region 11-Austin **CASE INFORMATION** Enf./Case ID No. 48125 No. of Violations 5 Docket No. 2014-0075-MLM-E Order Type 1660 Media Program(s) Edwards Aquifer Government/Non-Profit No Multi-Media Water Quality Enf. Coordinator Jorge Ibarra, P.E. EC's Team Enforcement Team 3 \$0 Maximum \$25,000 Admin. Penalty \$ Limit Minimum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$15,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Subtotals 2, 3, & 7 Compliance History -10.0% Enhancement -\$1,500 Notes Reduction for high performer classification. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 Subtotal 6 Economic Benefit 0.0% Enhancement* \$0 *Capped at the Total EB \$ Amount Total EB Amounts \$796 Approx. Cost of Compliance \$8,400 **SUM OF SUBTOTALS 1-7** \$13,500 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 1.6% \$222 Adjustment

Recommended enhancement to capture the avoided cost associated with

Violation No. 2.

Deferral offered for expedited settlement.

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

20.0%

(Enter number only; e.g. 20 for 20% reduction.)

\$13,722

\$13,722

-\$2,744

\$10,978

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage.

Screening Date 15-Jan-2014

Docket No. 2014-0075-MLM-E

Respondent ESPINOZA STONE, INC.

Case ID No. 48125

Reg. Ent. Reference No. RN101056687

Media [Statute] Edwards Aquifer Enf. Coordinator Jorge Ibarra, P.E.

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Compliance Histo Component	Compliance History Worksheet ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ease Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Pel	rcentage (Sub	total 2)
Repeat Violator	***************************************		
<u>No</u>	Adjustment Per	rcentage (Sub	total 3)
	ory Person Classification (Subtotal 7)		
High Per	former Adjustment Per	rcentage (Sub	total 7)1
Compliance Histo	bry Summary		
Compliance History Notes	Reduction for high performer classification.		
inal Compliance	Total Compliance History Adjustment Percentage (History Adjustment Final Adjustment Percent		

PCW	Docket No. 2014-0075-MLM-E	1818181818	Screening Date	
ion 3 (September 2011) Revision August 3, 2011		nt ESPINOZA STONE, INC.	Case ID No.	
(CVISION August 3, 2011	, CW ,		. Reference No.	
		e] Edwards Aquifer	Media [Statute]	Medi
		or Jorge Ibarra, P.E.		
	1		Violation Number	Viol
	213.4(a)(1) and Water Pollution Abatement Plan ("WPAP") 1-06020201, Standard Conditions No. 4	1 44 1411 11111111111111111111111111111	Rule Cite(s)	
	Section 2 Sectio			
	of a modification to an approved WPAP prior to beginning			
	ver the Edwards Aquifer Recharge Zone, as documented conducted on November 12, 2013. Specifically, a concrete		olation Description	Violatio
	trance road was under construction.			
l .				
\$25,000	Base Penalty			
	th Matrix	erty and Human Healt	nmental, Proper	>> Environme
		Harm	4 (1 a a a b a a a a a a a a a a a a a a a	
	te Minor		Release Actual	OR
	Percent 0.0%		Potential	
ининини		•	nmatic Matrix	>>Programma
ALLA CALLES	te Minor		Falsification	
***************************************	Percent 5.0%	X		
	rule requirement was not met.	100% of the	11	Matrix Notes
	:		iles	Notes
	Adjustment \$23,750			
11 250	T=7/-0			
\$1,250	·			
			vents	Violation Even
	64 Number of violation days	of Violation Events 3	Number of V	
				-
	_	daily weekly		
		monthly x	mark only one	
\$3,750	Violation Base Penalty	quarterly semiannual	with an x	
		annual		
		single event		
от				
	d from the investigation date of November 12, 2013 to the g date of January 15, 2014.	*	Three monthly	
	g date of Sandary 13, 2014.	Screening		
\$0	0% Reduction	emply 0.0	Efforts to Com	Good Faith Fff
		Before NO		
***************************************		Extraordinary		
, munum	(mark with x)	Ordinary N/A x		
***************************************	ondent does not meet the good faith criteria for	The Respo		
	this violation.	Notes		
\$3,750	Violation Subtotal	Basedon and the control of the contr		
\$3,730		 		
	Statutory Limit Test	or this violation	Benefit (EB) for	Economic Bene
\$3,431	\$397 Violation Final Penalty Total	nated EB Amount	Estimat	
\$3,431	violation Final Assessed Penalty (adjusted for limits)	This v		

	E(conomic I	Benefit :	Wo	rksheet		
Respondent	\$			\$\$\$\$(1456515)14			***********************
Case ID No.		•					
leg. Ent. Reference No.	:						
	Edwards Aquif						Years of
Violation No.		C1				Percent Interest	Depreciation
violation ito.	1					F 0	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						

Delayed Costs				,		,	
Equipment				0.00	\$0	\$0	\$0
Buildings		<u> </u>		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	r/a	\$0
Record Keeping System		<u> </u>		0.00	\$0	n/a	\$0
Training/Sampling		<u> </u>		0.00	\$0	rya.	\$0
Remediation/Disposal		 		0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$6,500	12-Nov-2013	1-Feb-2015	1,22	\$0 \$397	n/a n/a	\$0 \$397
Notes for DELAYED costs						n of a WPAP and obt expected complianc	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before		16 /	e	B
Disposal		7		enrein	ig item (except	for one-time avoid	led costs)
Personnel		11		0.00	so so	sor one-time avoid	led costs)
						,	
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/equipment				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0
				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2014-0075-MLM-E	PCW
Respondent Case ID No.	ESPINOZA STONE, INC.		Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No.			PCW Revision August 3, 2011
Media [Statute]			and the state of t
Enf. Coordinator			
Violation Number			
Rule Cite(s)	30 Tex. Admin. Code § 2	13.4(k) and WPAP No. 11-06020201, Special Co	onditions
		No. II	
	Failed to submit the initial	survey report of pit depths within 60 days after	approval
Violation Description		0201 and to submit annual survey reports there	
		Base	e Penalty \$25,000
>> Environmental, Proper	ty and Human Healt	h Matriy	***************************************
	Harm		
Release		Minor	
OR Actual Potential	<u> </u>	Percent 0.0%	
rotenda		1 Creent 0.0 70	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor Percent 5.0%	
	<u> </u>	Percent 3.0%	
Materia			
Matrix Notes	100% of the r	ule requirement was not met.	
		Adjustment	\$23,750
200000000000000000000000000000000000000	***************************************		
			\$1,250
Violation Events			
N	/:-!! F	Too Number of violation	4
Number of v	Violation Events 2	529 Number of violation of	uays
	daily		
	weekly		THE PROPERTY OF THE PROPERTY O
mark only one	monthly	Violetian Base	\$2.500
with an x	quarterly semiannual	Violation Base	Penalty \$2,500
	annual		The state of the s
	single event x		
Two single eve	ents are recommended (One	e for each report not submitted for years 2012 a	nd 2013).
Good Faith Efforts to Com	Before NOV	Reduction NOV to EDPRP/Settlement Offer	\$0
	Extraordinary		no de la companya de
	Ordinary		·
	N/A x	(mark with x)	
	The Respon	ndent does not meet the good faith criteria for	
TOTAL THE STATE OF	Notes	this violation.	
	Land white the basis con basis		:
		Violation	Subtotal \$2,500
Economic Benefit (EB) for	this violation	Statutory Limit	Test
Estimat	ed EB Amount	\$222 Violation Final Pena	\$2,287
	This v	iolation Final Assessed Penalty (adjusted fo	or limits) \$2,287

	E	conomic	Benefit	Wo	rksheet		
Respondent	ESPINOZA STO	ONE, INC.				,	***************************************
Case ID No.							
ea. Ent. Reference No.	RN101056687						
	Edwards Aquif						Years of
Violation No.	•	C.				Percent Interest	Depreciation
Violation No.	4					= 0	50000000 0 000000055555557555600
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment	P0200000000000000000000000000000000000			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
Notes for DELATED Costs							
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	***************		for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	4-Aug-2012	12-Nov-2013	2.19	\$22	\$200	\$222
Other (as needed)		<u> </u>		0.00	\$0	\$0 l	\$0
Notes for AVOIDED costs			office. Date req	uired is		s and subsequent a 2 report was due an	

Screeni	ing Date	15-Jan-2014	Do	cket No. 20	014-0075-MLM-E		PCW
		ESPINOZA STONE, INC	•			•	3 (September 2011)
	e ID No.					PCW Rev	ision August 3, 2011
Reg. Ent. Refere		Edwards Aquifer					
		Jorge Ibarra, P.E.					,
	n Number	3					ווונפראווו
Ru	ule Cite(s)	30 Tex. Admin. Cod	le 5 281 25(a)(4)	Tex Water Co	ode 26 121(a), and	Texas	
		Pollutant Discharge Eli		'TPDES") Gene	eral Permit No. TX		HPPHWERMARHMAN
Violation D	escription	inspection reports dat	l waste (process wa lure to install a beri s stockpiles area re Smalley Branch as	ater) into or acm on the south sulted in the control of the contro	djacent to any wat h side of the sedin unauthorized disch on the Facility's pe ber 27, 2011, Febr	ter in the nerit pond arge of eriodic	
					Bas	e Penalty	\$25,000
-			~! &!: N #~ ! -::.	*			
>> Environmenta	ii, ri upei	ty and numan ne. Har					
	Release	Major Moder					
OR	Actual Potential		×	P	ercent 5.0%		
>>Programmatic							
F	alsification	Major Moder	rate Minor	p.	ercent 0.0%		
<u> </u>		<u> </u>			0.070		***************************************
Matrix Notes	ıman health not ex	or the environment has keeed levels that are pro	been exposed to in tective of human h	nsignificant am lealth or envir	nounts of pollutant onmental receptor	s which do	-
<u> </u>						422.750	
				Adju	stment	\$23,750	
							\$1,250
Violation Events							
violation Events							
	Number of \	/iolation Events 5		314 N	umber of violation	days	
m	nark only one with an x	daily weekly monthly quarterly semiannual annual single event			Violation Bas	e Penalty	\$6,250
	Five	e quarterly events are re	commended, one f	or each unaut	horized discharge.		
Good Faith Effort	s to Com	ply (0.0% Reduction				\$0
		Before		Settlement Offer			
		Extraordinary					W. H. W. C.
		Ordinary N/A x	(mark with x)				- WHI GAME
			<u> </u>	mant the	d faith autain 6-		
		Notes Ine Re	spondent does not this	violation.	a raith criteria for		
					Violation	Subtotal	\$6,250
Economic Benefit	: (EB) for	this violation		S	tatutory Limil	: Test	
vannan an artikus statutus talan artis 1965 5 5 50 56 56 56 56 56 56 56 56 56 56 56 56 56		ed EB Amount	\$150	Vic	olation Final Pen	alty Total	\$5,718
		-	is violation Final	Assessed Pe	nalty (adjusted f	or limits)	\$5,718
		• • •				,	

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.		ONE, INC.					
leg. Ent. Reference No.	, RN101056687						1
Media Violation No.	Edwards Aquif	er				Percent Interest	Years of Depreciation
vidiaden ivo.	3					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
ACTION BEHAVIORIES	no commos or a						
Delaved Costs	•						
Eguipment		T T	***************************************	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	29-Sep-2011	1-Oct-2014	3.01	\$75	n/a	\$75
remediation, proposal							
Permit Costs Other (as needed)	\$500 Estimated co					n/a n/a and adjacent to the fire	
Permit Costs	\$500 Estimated co area and to su the unau	ost to install a beri ubmit compliance thorized discharge	m on the south documentation and the reme	3.01 side of demon diation	\$75 f the sediment por strating corrective action taken. Dat	n/a	\$75 nes stockpiles use and contain te the first
Permit Costs Other (as needed) Notes for DELAYED costs	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demon diation d and t	\$75 The sediment por strating corrective action taken. Dathe final date is the	n/a nd adjacent to the fire action taken to ceate required is the date	\$75 nes stockpiles use and contain te the first ce date,
Permit Costs Other (as needed)	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation and tentering 0.00	\$75 If the sediment por estrating corrective action taken. Dat the final date is the final date is the second sec	n/a nd adjacent to the fire action taken to ceate required is the date expected compliant for one-time avoid	\$75 nes stockpiles use and contain te the first the date. led costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation dand temperature demondration d	\$75 If the sediment por strating corrective action taken. Dat the final date is the sediment of the sediment	n/a nd adjacent to the fire action taken to ceate required is the date expected compliant for one-time avoid \$0 \$0	\$75 nes stockpiles use and contain ue the first use date. sed costs \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation d and tenteric 0.00 0.00 0.00	\$75 If the sediment por instrating corrective action taken. Dat the final date is the sediment of the sedimen	n/a nd adjacent to the fire action taken to ceate required is the date expected compliant for one-time avoid \$0 \$0 \$0 \$0	\$75 nes stockpiles se and contain te the first ce date, led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation d and temperature 0.00 0.00 0.00 0.00	\$75 If the sediment por instrating corrective action taken. Dat the final date is the sediment for the sediment of the sedime	n/a nd adjacent to the fire action taken to ceally required is the date expected compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$75 nes stockpiles se and contain te the first ce date. led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation dand to entering 0.00 0.00 0.00 0.00 0.00	\$75 If the sediment por estrating corrective action taken. Dat the final date is the sediment for the sediment of the sedimen	n/a nd adjacent to the fire action taken to ceaule required is the date expected compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$75 nes stockpiles use and contain ue the first ce date. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation d and the entering 0.00 0.00 0.00 0.00 0.00 0.00	\$75 If the sediment por strating corrective action taken. Dat the final date is the sediment (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nd adjacent to the fire action taken to cea the required is the date expected compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$75 nes stockpiles use and contain ue the first ce date, led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation dand to entering 0.00 0.00 0.00 0.00 0.00	\$75 If the sediment por estrating corrective action taken. Dat the final date is the sediment for the sediment of the sedimen	n/a nd adjacent to the fire action taken to ceaule required is the date expected compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$75 nes stockpiles use and contain ue the first ce date. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation d and the entering 0.00 0.00 0.00 0.00 0.00 0.00	\$75 If the sediment por strating corrective action taken. Dat the final date is the sediment (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nd adjacent to the fire action taken to cea the required is the date expected compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$75 nes stockpiles use and contain ue the first ce date, led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$500 Estimated co area and to st the unau unauth	ost to install a beri ubmit compliance thorized discharge orized discharge v	m on the south documentation and the reme vas documente	3.01 side of demondiation d and the entering 0.00 0.00 0.00 0.00 0.00 0.00	\$75 If the sediment por strating corrective action taken. Dat the final date is the sediment (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nd adjacent to the fire action taken to cea the required is the date expected compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$75 nes stockpiles use and contain ue the first ce date, led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Date 15-Jan-2014	Docket No. 2014-0075-MLM-E	PCW
	dent ESPINOZA STONE, INC.		Policy Revision 3 (September 2011)
	No. 48125		PCW Revision August 3, 2011
Reg. Ent. Reference			-
	ute] Edwards Aquifer		
	ator Jorge Ibarra, P.E.		
Violation Nu	<u> </u>		
Rule Ci	30 Tex. Adilmi. Code § 2	81.25(a)(4) and TPDES General Permit No. TXR	05BA51,
	Part III, Sec	tion A.4.(a)(9), Best Management Practices	
Violation Descri	prion products, final products, o conducted on Novemb observed along the drainage.	ration of off-site tracking of raw materials, interr r waste materials, as documented during an inverse rate in the second and inverse rate accumulation ge ditch and in the culverts that run parallel to the west side of County Road 234.	estigation n was
		Base	e Penalty \$25,000
		•	
>> Environmental, Pr	operty and Human Healt Harm	n Matrix	
Re	lease Major Moderate	Minor	
	Actual	T ×	****
	tential	Percent 5.0%	Hitchen
000000000000000000000000000000000000000	C		***************************************
>>Programmatic Mat			***************************************
Falsifica	ation Major Moderate		111111111111111111111111111111111111111
		Percent 0.0%	
Matrix Human I	nealth or the environment has be	en exposed to insignificant amounts of pollutants	s which do
Notes		tive of human health or environmental receptors	II .
	`		***************************************
			#22.7E0
		Adjustment	\$23,750
			\$1,250
Violation Events			
Numb	er of Violation Events 1	64 Number of violation	days
mark onl with a		Violation Base	e Penalty \$1,250
000	warterly puent is recommended for	com the locationtian data of Navambar 12, 201	7 + 4 + 1
☐ Une q		rom the investigation date of November 12, 201: date of January 15, 2014.	o to the
	30.00111.19	date or surroury to, 2011	
		7. N. a 112	10
Good Faith Efforts to	Before NOV	1/0 Reduction NOV to EDPRP/Settlement Offer	\$0
	Extraordinary Extra	10 Co Edita / Section of the	
Accesses to	Ordinary		
	N/A X	(mark with x)	
	17/1	ICHICA META)	villeton
	Notes The Respo	ndent does not meet the good faith criteria for this violation.	
200		Violation	Subtotal \$1,250
			h
Economic Benefit (EB) for this violation	Statutory Limit	Test
	timated EB Amount	¢10 Wales - Pines	altu Total
ES'	timated EB Amount	\$19 Violation Final Pena	alty Total \$1,144
000000000000000000000000000000000000000	This v	iolation Final Assessed Penalty (adjusted fo	or limits) \$1,144

	B 9	conomic	benent	VVU	rksneet		
Respondent Case ID No. eg. Ent. Reference No.	48125				onnanne við delektetetetet til en er fil til til til til til til til til til t		,
Media Violation No.	Edwards Aquif 4	er				Percent Interest	Years of Depreciation
						5,0	15
Item Description		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment		l I		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<u>\$0</u>
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	12-Nov-2013	15-Aug-2014	0.76	\$19	n/a	\$19
Notes for DELAYED costs						f-site tracking of ray	
Notes for DELAYED costs Avoided Costs Disposal	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f enterir 0.00	rials; and cleanup inal date is the exp ng item (except i \$0	the accumulated se pected compliance d for one-time avoid \$0	diment. Date late. led costs)
Avoided Costs	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f enterir	rials; and cleanup inal date is the exp ng item (except i	the accumulated se pected compliance d for one-time avoid	diment. Date late.
Avoided Costs Disposal Personnel	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f o.00 0.00 0.00	rials; and cleanup inal date is the exp ng item (except i \$0 \$0	the accumulated se pected compliance of for one-time avoid \$0 \$0	diment. Date late. led costs)
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f enterir 0.00 0.00 0.00	rials; and cleanup inal date is the exp ng item (except i \$0 \$0 \$0	the accumulated se pected compliance d for one-time avoid \$0 \$0 \$0	diment. Date late. led costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f 0.00 0.00 0.00 0.00 0.00	rials; and cleanup inal date is the exp ng item (except i \$0 \$0 \$0 \$0 \$0	the accumulated se pected compliance of for one-time avoid \$0 \$0 \$0 \$0 \$0	diment. Date late. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f enterir 0.00 0.00 0.00 0.00 0.00	rials; and cleanup inal date is the exp ng item (except i \$0 \$0 \$0 \$0 \$0 \$0	the accumulated se pected compliance of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	diment. Date late. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f 0.00 0.00 0.00 0.00 0.00	rials; and cleanup inal date is the exp ng item (except i \$0 \$0 \$0 \$0 \$0	the accumulated se pected compliance of for one-time avoid \$0 \$0 \$0 \$0 \$0	diment. Date late. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	intermediate req	products, final pr uired is the invest	oducts, or wast tigation date ar	e mate d the f enterir 0.00 0.00 0.00 0.00 0.00	rials; and cleanup inal date is the exp ng item (except i \$0 \$0 \$0 \$0 \$0 \$0	the accumulated se pected compliance of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	diment. Date late. ded costs

		15-Jan-2014	Docket No. 2014-0075-MLM-E	PCW
	esponaent ase ID No.	ESPINOZA STONE, INC. 48125		sion 3 (September 2011) Revision August 3, 2011
Reg. Ent. Refe				
		Edwards Aquifer		-
	oordinator tion Number	Jorge Ibarra, P.E.		7
	Rule Cite(s)		N DECAYAR AND TO COMPANY TO DECAY	
			B1.25(a)(4) and TPDES General Permit No. TXR05BA51, I, Section D.4.(b), Inactive Facilities	
-		II .	tice to the TCEQ Executive Director of the inactive status	
Violation	Description		y. Specifically, during the investigation conducted on vas documented that the Facility is inactive for mineral	
			mining and processing.	200
		<u>L</u>		1
			Base Penalty	\$25,000
>> Environmen	tal, Proper	ty and Human Health	ı Matrix	
	Release	Harm Major Moderate	Minor	
OR	Actual		<u></u>	
	Potential		Percent 0.0%	
>>Programmat	ic Matrix			an a
-	Falsification	Major Moderate	Minor	
L		x	Percent 5.0%	
[
Matrix Notes		100% of the ru	ule requirement was not met.	
L	······································			d de constituence
			Adjustment \$23,750	
				\$1,250
Violation Events				
·	Number of	Violation Events 1	64 Number of violation days	
		daily		
		weekly		
	mark only one	monthly quarterly	Violation Base Penalty	\$1,250
	with an x	semiannual		
		annual		
		single event x		
		One single		
		One single	e event is recommended.	
E-			T. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2.	40
Good Faith Effo	rts to Com	Before NOV	Reduction NOV to EDPRP/Settlement Offer	\$0
arrange of the second		Extraordinary		-
		Ordinary	(constitutible of	,
		N/A <u>x</u>	(mark with x)	
-		Notes The Respon	ident does not meet the good faith criteria for this violation.	PETERIFET COMPANY
			Violation Subtotal	\$1,250
Economic Benef	it (EB) for	this violation	Statutory Limit Test	
and the second s		ed EB Amount	\$8 Violation Final Penalty Total	\$1,144
			olation Final Assessed Penalty (adjusted for limits)	\$1,144
		5 11	(33,33,33,33,33,33,33,33,33,33,33,33,33,	7=1=11

	E	conomic	Benefit	Wo	rksheet		
Respondent	ESPINOZA STO	ONE, INC.					
Case ID No.	48125						
Reg. Ent. Reference No.	RN101056687						
Media	Edwards Aquif	er				Dancont Interact	Years of
Violation No.	5					Percent Interest	Depreciation
						5.0	15
	Trem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
tteni bescription	NO COMMIAS OF \$						
Delayed Costs							
Delayeu Costs Equipment		II I		0.00	\$0	\$0	\$0
Buildings		1		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	rya.	\$0
Record Keeping System				0.00	\$0	11/8	\$0
Training/Sampling				0.00	\$0	r/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	12-Nov-2013	15-Aug-2014	0.76	\$8	n/a l	\$8
	4		dikana angkina kan		O Francisco de Blanca		
	l Estimated	cost to submit wr	arren norice ro	the TCF	-O EXECUTIVE TILEC	tor of the inactive s	tatus of the
Notes for DELAYED costs	il .				7	tor of the inactive s	
Notes for DELAYED costs	il .			tigation	n date and the fina	tor of the inactive s I date is the expect	
Notes for DELAYED costs	permitted Fa	icility. Date requi	red is the inves	tigatior dat	n date and the fina te.	I date is the expecte	ed compliance
Notes for DELAYED costs Avoided Costs	permitted Fa	icility. Date requi	red is the inves	tigatior dat enteri r	n date and the fina te. ng item (except l	I date is the expecte	ed compliance
	permitted Fa	icility. Date requi	red is the inves	tigation dat enterin 0.00	n date and the fina te. ng item (except i	I date is the expecte for one-time avoid \$0	led costs)
Avoided Costs Disposal Personnel	permitted Fa	icility. Date requi	red is the inves	tigation dat enteri r 0.00	n date and the fina te. ng item (except i \$0 \$0	I date is the expector for one-time avoid \$0 \$0	ded costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0	I date is the expected for one-time avoid \$0 \$0 \$0	ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0	I date is the expected for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ded costs
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	permitted Fa	icility. Date requi	red is the inves	enteria 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	### ded compliance fed costs
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	permitted Fa	icility. Date requi	red is the inves	enteria 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	### ded compliance fed costs
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	permitted Fa	icility. Date requi	red is the inves	enterir 0.00 0.00 0.00 0.00 0.00 0.00	n date and the fina te. ng item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

PUBLISHED Compliance History Report for CN602447062, RN101056687, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Responde Owner/Operator:	nt, or CN602447062, ESPINOZA	STONE, INC.	Classification: H	IGH	Rating	J: 0.00
Regulated Entity:	RN101056687, ESPINOZA	STONE PIT 1	Classification: +	IIGH	Rating): 0.00
Complexity Points:	8		Repeat Violator:	NO		
CH Group:	04 - Mining					
Location:	1465 COUNTY ROAD 234	GEORGETOWN	, TX, WILLIAMSON COUNT	Υ		
TCEQ Region:	REGION 11 - AUSTIN					
71333 EDWARDS AQUIFER REEDWARDS AQUIFER RE	TANK REGISTRATION REGISTRATION REGISTRATION 11-00000011 GISTRATION 11-0602021A GISTRATION 11-06020201A	ED!	WARDS AQUIFER REGIS WARDS AQUIFER REGIS WARDS AQUIFER REGIS DRMWATER PERMIT TXRO	TRATION 11-060 TRATION 11-060	2021	
Compliance History F	Period: September 01, 2008 t	to August 31, 20	013 Rating Year:	2013 R a	ating Date:	09/01/2013
Date Compliance His	tory Report Prepared:	January 23, 20:	14			
Agency Decision Req	uiring Compliance History:	Enforcen	nent			
Component Period So	elected: January 23, 2009 t	to January 23, 2	2014			
TCEQ Staff Member t	o Contact for Additional In	formation Re	egarding This Compli	ance History.		
Name: Jorge Ibar	ra, P.E.		Phone: (817) 588-5890		
	stence and/or operation for the fu			YE	:S	
2) Has there been a (know	n) change in ownership/operator	of the site during	ng the compliance period?	NC)	
3) If YES for #2, who is the 4) If YES for #2, who was owner(s)/operator(s)?	ne current owner/operator? /were the prior	N/A N/A				
5) If YES , when did the occur?	change(s) in owner or operator	N/A				
Components (Mult	imedia) for the Site Are	Listed in Se	ections A - J			
A. Final Orders, cou	rt judgments, and consent	decrees:				
B. Criminal convicti	ons:					
C. Chronic excessiv	e emissions events:					
D. The approval dat	es of investigations (CCEDS	S Inv. Track.	No.):			

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated

entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ESPINOZA STONE, INC.	§	
RN101056687	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2014-0075-MLM-E

I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") considered	this agreement of the parties, resolving an enforcement
action regarding ESPINOZA STONE,	INC. ("Respondent") under the authority of TEX. WATER
CODE chs. 7 and 26. The Executive D	Director of the TCEQ, through the Enforcement Division,
and the Respondent together stipulate	that:

- 1. The Respondent owns and operates a stone mining and processing operation located at 1465 County Road 234 in Georgetown, Williamson County, Texas (the "Facility").
- 2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of Tex. Water Code ch. 26 or any rule, permit, or order of the Commission.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 18, 2014.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Two Thousand Six Hundred Dollars (\$22,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Thirteen Dollars (\$1,013) of the administrative penalty and Four Thousand Five Hundred Nineteen

Dollars (\$4,519) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seventeen Thousand Sixty-Eight Dollars (\$17,068) of the administrative penalty shall be payable in seventeen monthly payments of One Thousand Four Dollars (\$1,004) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to submit proof of recordation of notice in the county deed records within 60 days after approval of Water Pollution Abatement Plan ("WPAP") No. 11-06020201, in violation of 30 Tex. Admin. Code § 213.4(g) and WPAP No. 11-06020201, Standard Conditions No. 2, as documented during an investigation conducted on November 12, 2013.

- 2. Failed to obtain approval of a modification to an approved WPAP prior to beginning a regulated activity over the Edwards Aquifer Recharge Zone, in violation of 30 TEX. ADMIN. CODE § 213.4(a)(1) and WPAP No. 11-06020201, Standard Conditions No. 4, as documented during an investigation conducted on November 12, 2013. Specifically, a concrete entrance road was under construction.
- 3. Failed to submit a completion report that the construction of the high service rock berms, the rip rap pad below the retention pond, the paved berms and paved roadway have been completed within 60 days after approval of WPAP No. 11-06020201, in violation of 30 Tex. Admin. Code § 213.4(k) and WPAP No. 11-06020201, Special Conditions No. I, as documented during an investigation conducted on November 12, 2013.
- 4. Failed to submit the initial survey report of pit depths within 60 days after approval of WPAP No. 11-06020201 and to submit annual survey reports thereafter, in violation of 30 Tex. Admin. Code § 213.4(k) and WPAP No. 11-06020201, Special Conditions No. II, as documented during an investigation conducted on November 12, 2013.
- 5. Failed to submit proof of recordation of notice in the county deed records of the approval of the Aboveground Storage Tank ("AST") Facility Plan within 60 days after approval of WPAP No. 11-06020201A, in violation of 30 Tex. ADMIN. CODE § 213.4(g) and WPAP No. 11-06020201A, Standard Conditions No. 3, as documented during an investigation conducted on November 12, 2013.
- 6. Failed to install and maintain a structural control and to prevent the unauthorized discharge of industrial waste (process water) into or adjacent to any water in the state, in violation of 30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05BA51, Part III, Section A.4.(d), Structural Controls, as documented during an investigation conducted on November 12, 2013. Specifically, failure to install a berm on the south side of the sediment pond adjacent to the fines stockpiles area resulted in the unauthorized discharge of process water into Smalley Branch as documented on the Facility's periodic inspection reports dated September 29, 2011, December 27, 2011, February 29, 2012, May 2, 2012, and August 8, 2012.
- 7. Failed to minimize generation of off-site tracking of raw materials, intermediate products, final products, or waste materials, in violation of 30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05BA51, Part III, Section A.4.(a)(9), Best Management Practices, as documented during an investigation conducted on November 12, 2013. Specifically, sediment accumulation was observed along the drainage ditch and in the culverts that run parallel to the Facility on the west side of County Road 234.
- 8. Failed to submit written notice to the TCEQ Executive Director of the inactive status of the permitted Facility, in violation of 30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05BA51, Part III, Section D.4.(b), Inactive Facilities, as documented during an investigation conducted on November 12, 2013. Specifically, during the investigation, it was documented that the Facility is inactive for mineral mining and processing.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ESPINOZA STONE, INC., Docket No. 2014-0075-MLM-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, install a berm on the south side of the sediment pond adjacent to the fines stockpiles area, in accordance with 30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05BA51.
 - b. Within 15 days after the effective date of this Agreed Order:
 - i. Submit proof of deed recordation to the TCEQ Austin Regional Office for the Facility, in accordance with 30 Tex. ADMIN. CODE § 213.4(g) and WPAP Nos. 11-06020201 and 11-06020201A;
 - ii. Submit the required completion report to the TCEQ Austin Regional Office, in accordance with 30 Tex. ADMIN. CODE § 213.4(k) and WPAP No. 11-06020201;
 - iii. Begin submitting annual survey reports of pit depths to the Austin Regional Office, in accordance with 30 Tex. ADMIN. CODE § 213.4(k) and WPAP No. 11-06020201;
 - iv. Implement measures to minimize generation of off-site tracking of raw materials, intermediate products, final products, or waste materials; and cleanup the sediment, in accordance with TPDES General Permit No. TXR05BA51;

- v. Submit the required written notice to the TCEQ Executive Director of the inactive status for mineral mining and processing at the permitted Facility, in accordance with 30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05BA51; and
- vi. Submit written certification as described below in Ordering Provisions No. 2.g., to demonstrate compliance with Ordering Provisions No. 2.a.
- c. Within 30 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provisions No. 2.g., to demonstrate compliance with Ordering Provision Nos. 2.b.i. through 2.b.v.
- d. Within 45 days after the effective date of this Agreed Order, submit an administratively complete application for a modification of a WPAP, along with the associated application fee to:

Edwards Aquifer Protection Program Austin Regional Office Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Respond completely and adequately to all TCEQ requests for information concerning the Edwards Aquifer Recharge Zone application within 30 days of such requests, or by any other deadline specified in writing.

- e. Within 60 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provisions No. 2.g., to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 120 days after the effective date of this Agreed Order, obtain approval of a modification to the Facility's approved WPAP.
- g. Within 135 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions No. 2.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager Austin Regional Office Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

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otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission	
Pan Monumer For the Executive Director	71715 Date
agree to the attached Agreed Order on behalf	d the attached Agreed Order. I am authorized to f of the entity indicated below my signature, and I I therein. I further acknowledge that the TCEQ, in materially relying on such representation.
 and/or failure to timely pay the penalty amout. A negative impact on compliance histo. Greater scrutiny of any permit applicat. Referral of this case to the Attorney additional penalties, and/or attorney for a functional penalties in any future enfort. Automatic referral to the Attorney Genand. TCEO seeking other relief as authorized. 	ry; tions submitted; General's Office for contempt, injunctive relief, ees, or to a collection agency; cement actions; eneral's Office of any future enforcement actions;
My Janature Janature	4-30-15 Date
Name (Printed or typed) Authorized Representative of ESPINOZA STONE, INC.	President

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.